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STATE SEED LEGISLATION
in Its Relation to
THE PROBLEM OF INTERSTATE TRADE BARRIERS

By

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2. State seed laws, though presumably applicable only to intrastate commerce in seed, contain features which are interstate trade barriers.

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4. The passage of the Federal Seed Act in 1939 has removed a number of the trade barriers which formerly existed.

5. The enforcement of the Federal Seed Act could be made more effective if State seed laws conformed to its provisions in their comparable features and in other respects were more uniform.

6. Grower or buyer protection, which is the primary function of State seed legislation, can be more effectively administered under uniform State seed laws.

7. Uniformity in State seed laws is practicable with nearly all features of such laws.

8. Where absolute uniformity is impracticable in State seed laws because of geography or climate it is still feasible to use a common pattern and thus obtain a greater degree of uniformity.

9. The operation of seed merchandising and distribution would be greatly facilitated if State seed laws were as nearly uniform as it is feasible to make them.

10. The principal features of State seed laws affecting the problem of interstate trade barriers are those relating to definitions, noxious-weed seeds, origin, production of revenue, and the provisions governing special kinds of seeds.

11. The Federal Seed Act provides that noxious-weed seeds shall be in accordance with the laws of the State into which the seeds move, so it is essential, if a high degree of uniformity is to be obtained and interstate trade barriers are to be eliminated, that those laws follow the provisions of some common pattern other than the Federal Seed Act.

12. The Suggested Uniform State Seed Law will serve as a pattern or guide to the States in drafting a State law to conform to the Federal Seed Act, to provide other uniform requirements, and as far as possible to eliminate barriers to interstate trade in agricultural and vegetable seeds.

STATE SEED LEGISLATION
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By W. A. Wheeler, Special Consultant, Seed and Forage Marketing

The purpose of this paper is to discuss some of the features of present State seed laws that are related to the problem of interstate trade barriers so that in the enactment of future seed legislation the trade-barrier aspects of these features may be given due consideration.

First Seed Legislation

The first State seed legislation was enacted in 1821 by the State of Connecticut. That law provided that "Every person who shall knowingly vend any grass seed, in which there is any seed of Canada thistle, shall be fined ten dollars." Between 1821 and 1909, 11 other States passed laws pertaining to seed, several of which related to Canada thistle and only 2 of which were general agricultural seed laws. In 1909, 8 States enacted agricultural seed laws and by 1929 all but 2 States - Georgia and Florida - had agricultural seed laws. Florida enacted a seed law in 1939. It is understood that Georgia is now giving serious consideration to such legislation.

The trade-barrier features of State legislation regulating seeds, feeds, dairy products, fruits and vegetables, insecticides, and other products in which certain States are especially concerned did not assume any great prominence during the early period of such legislation. In recent years, however, the trade-barrier factor to be found in many different kinds of State legislation has come to occupy a place along with other factors of general public interest such as truth in labeling and advertising, and facilitating distribution and merchandising.

Functions of State Seed Legislation

State seed legislation has certain major functions to perform. (1) To provide protection for the farmer against low-quality seed, (2) to provide for furnishing him reliable and adequate information about the seed he buys, (3) to minimize distribution of noxious-weed seeds in agricultural seeds, (4) to establish a basis for fair competition and (5) to facilitate the production, handling, merchandising, and distribution of seeds.

1/ The study on which this report is based was made in cooperation with the Bureau of Agricultural Economics. The assistance of Dr. Frederick V. Waugh and Edgar L. Burtis of that Bureau in reviewing this manuscript is gratefully acknowledged.

The material relating to State seed legislation in this report is based upon State legislation in effect prior to 1941.

In drafting State seed legislation, therefore, full consideration should be given to these functions and in addition efforts should be made as far as possible to have it conform to the Federal Seed Act so as to avoid confusion in the administration of Federal and State seed legislation. A provision in a State law may adequately provide the proper kind of protection to a buyer of seed but at the same time set up obstacles to commerce in seed entirely out of proportion to the advantage gained.

Grower or Buyer Protection

Grower or buyer protection is the primary or initial reason for nearly all seed legislation. It can be obtained largely through (1) accurate labeling, (2) adoption of minimum standards for seeds which will eliminate undesirable seeds from commerce, (3) regulation or supervision of the operations of merchandising and handling agencies to bring them into accord with modern approved practice, and (4) policing the sale and distribution of seeds.

Various devices have been adopted by the States in an effort to protect the seed buyer as fully as possible through these means. As many of these devices were not set up originally according to a common pattern it is plain why there has been a lack of uniformity among them. This lack of uniformity has been the source of numerous trade barriers. It may not be possible because of variations in geography and climate to obtain the fullest degree of buyer protection and at the same time eliminate all trade barriers but such barriers can be reduced to a minimum through cooperative effort and by following a common pattern.

When Law Becomes Trade Barrier

Any kind of State law or regulation that conflicts with the principles of "free trade" between States might well be considered an interstate trade barrier. The term "free trade" was defined in a special report of the Bureau of Agricultural Economics to the Secretary of Agriculture in March 1939 entitled "Barriers to Internal Trade in Farm Products," as "a situation in which (1) each State and each market in each State admits any healthful and honestly described products from any part of the country without any kind of discrimination on account of the location of the producer or dealer, and (2) the various State governments and the Federal Government cooperate in the development of laws and regulations that are as simple as possible and as uniform as possible in order that a shipment that is acceptable in one market will also be acceptable in any other market in the country."

When agricultural and vegetable seeds are shipped into other States for resale by retailers within those States they come under the jurisdiction of those State enforcement agencies. Therefore, wholesale dealers and interstate shippers of seed are from the very nature of their business and their relationship to the retail dealers who handle

their product forced to comply with the laws of the States where the dealers are located in respect to the sale of such seeds within that State. In this way State seed laws even though presumably applicable only to intrastate commerce actually may become effective barriers to interstate commerce.

Probably few of the barriers to interstate trade in seeds have arisen in State seed laws with any intent on the part of State legislatures to set up such barriers or to use them in any sense against distant competitors. A law or regulation drawn up without any thought of discrimination, however, may have just as serious a trade-barrier effect as if it had been deliberately set up a discriminatory measure, if it operates to hamper trade unduly across State lines.

Also, many of the features of State seed laws that differ from one another may appear to be of minor significance as trade barriers when in fact they do operate in considerable measure to direct traffic into certain States and not into others. The differences may be minor and the features that set up trade barriers may appear more desirable than others as a protection to buyers but their trade-barrier effects should be taken into account in appraising them.

Federal Seed Act Influence

Though many State seed laws incorporate features that until recently have been definite barriers to interstate movement in seeds, many of these features have been removed or alleviated through the operation of the Federal Seed Act of 1939. Some of the provisions of this act were heretofore incorporated in the laws of certain States and not of other States. Because of that situation there was a distinct discrimination against certain States on account of the rather severe restrictions existing in other States pertaining to the shipment of seeds.

The Federal Seed Act has smoothed out many of the kinds in State seed laws which attempted to regulate interstate commerce in seeds. These adjustments relate particularly to the kinds of information to be included in the labeling of such seeds and certain prohibitions in the movement of certain seeds or screenings in interstate commerce. The labeling process, however, under the Federal Seed Act does not bring about uniformity in its application to one of the most serious problems of all, -- that of noxious-weed seeds, -- because it simply extends the requirements of the State laws to interstate commerce as regulated under the Federal Seed Act. Neither does the Federal Seed Act cover such distinctly State provisions as the requirements of permits, notices of shipment, payment of license or registration fees, the purchase of State tags, or any other matters of enforcement that are primarily of State concern. Among these will be found some of the most serious barriers to interstate commerce in seeds.

Uniform State Seed Legislation

The need for uniformity in State seed legislation and in methods of seed testing and control was recognized about 1909 when several States enacted agricultural seed laws. About that time two organizations, the Association of Official Seed Analysts of North America and the Wholesale Grass Seed Dealers' Association, were formed. Because of the difficulties encountered in both seed merchandising and seed enforcement with non-uniform seed laws, these associations, working with the American Seed Trade Association, had as one of their principal objectives the bringing about of uniformity in all matters pertaining to seed testing, control, and regulation.

The result of the joint efforts of these three associations was the drafting of a uniform State seed law which in 1917 was approved by all of them. This recommended State seed law influenced to a great extent the character of State seed legislation enacted before the Federal Seed Act was passed and furnished ground work for many features incorporated in that act. In order to meet the present need, not only for uniformity in State seed laws but for laws that would conform to the Federal Seed Act, and to comply with a request from the National Association of Commissioners, Secretaries and Directors of Agriculture, the Chief of the Agricultural Marketing Service in September 1940 issued a Suggested Uniform State Seed Law. In the text accompanying this suggested law it is stated that -

> "In drafting the Suggested Uniform State Seed Law four guiding principles have been followed: (1) simplicity of treatment, (2) conformity with the Federal Seed Act of 1939 and so far as practical with the Uniform State Seed Law of 1917, as amended, (3) setting up of noxious-weed seed requirements developed as a result of field investigations and experience in operation under present State seed laws, and (4) facilitation of the free movement of seeds suitable for sowing purposes in both intrastate and interstate commerce.
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> "In the handling of each feature consideration has been given to the various methods of treatment in present State laws, in the Uniform State Seed Law of 1917, and in the Federal Seed Act, in order not only to arrive at uniformity but also to suggest legislation that would come nearest to meeting all the desirable requirements of a State seed law."

Trade-Barrier Features of State Seed Laws

A better knowledge of the character of trade-barrier features of State seed laws and of their probable effects on practical operation can be gained by studying some of those features as they occur in the laws themselves. In the discussion that follows many of the more important trade-barrier features of the State seed laws are considered,

but no implication is intended that these references are complete as applied to any one of the headings under which such features are indicated or described.

There are certain types of features of State seed laws that might be mentioned as related to trade barriers but which have not been included here. Some of these are (1) variations in the labeling of seed mixtures arising because such labeling is treated differently under the Federal Seed Act and the new Suggested Uniform State Seed Law than under the old Uniform State Seed Law of 1917, (2) labeling for noxious-weed seeds wherever the requirements are similar to those in the old uniform law, but which may vary from one another, and (3) requirements which may have been in effect trade barriers before the Federal Seed Act was enacted but which are no longer barriers to interstate commerce in seeds.

Definitions

Little attention has been given to definitions in many State seed laws even though there occur in such definitions some of the most potent trade-barrier features. The same terms may be used in all laws but if they are not defined and interpreted alike there will be no effective uniformity, and without uniformity there will be trade barriers. Among the terms for which it is most important that we have uniform definitions and interpretations in order to avoid the setting up of trade barriers are agricultural seed, vegetable seed, and noxious-weed seeds.

Agricultural and vegetable seed definitions.-Agricultural seeds are usually considered and defined as a group separate and apart from vegetable seeds. Both the Federal Seed Act and the Suggested Uniform State Seed Law define "agricultural seeds" as including grass, forage, cereal, and fiber-crop seeds, and "vegetable seeds" as including the seeds of those crops grown in gardens or on truck farms or as generally known and sold under the name of vegetable seeds. Some State laws define agricultural and vegetable seeds in the above manner while others in defining agricultural seed make various additions to the kinds ordinarily included under agricultural seeds. These additions may extend to all or a part of those ordinarily included as vegetable seeds or they may take in seeds within various other categories, such as flower seeds, tree seeds, and herb seeds.

The trade-barrier effect of this lack of uniformity in a definition for agricultural seed can hardly be measured because it creates confusion in all agricultural seed legislation. Now that the Federal Seed Act, certain State laws, and the Suggested Uniform State Seed Law have established categories for both agricultural seeds and vegetable seeds and provide also for appropriate labeling for both categories, there is no occasion in new legislation for varying from such classification.

The additions to regular field crop seeds, included under "agricultural seed" in some of the present State seed laws, are the following: "Any and all seed or seeds used for planting or seeding purposes of whatsoever kind"; "peas and beans"; "vine seeds" comprising "all varieties of cucumbers, cantaloupes, muskmelons, honeydews, casabas, pumpkins, squashes and watermelons"; "canning house peas"; "all vegetable and flower seeds which are to be used for sowing or seeding purposes"; "vegetable and truck crop seeds"; "the seeds of cultivated plants"; "sugar beets, ornamental plants, vegetables, tubers, and root crops"; "turnips, rutabagas and mangels"; "sugar beets, stock beets, cabbage, tomatoes and onions"; and "onion and spinach."

Definition and classification of noxious-weed seeds.--Noxious-weed seeds are the bugaboo alike of the farmer, seedsman, and enforcement officer. There is no other feature of seed laws more serious in its trade-barrier effect than the restrictions against noxious-weed seeds. Most State seed laws have failed to define noxious-weed seeds upon the basis of their life habits or difficulty of control, but have included instead a list of noxious-weed seeds selected without due regard to their life habits or their relation to good farm practices. Such lists have become definite trade barriers in a number of States. In this connection the use of common definitions as a guide for the designating of specific weed seeds as noxious will reduce trade barriers to a minimum.

Noxious weeds in State seed laws, with respect to their effect on crop production, may be defined and classified in two or more groups or they may be covered in the law as one group and provisions be made which are applicable to all seeds listed as noxious-weed seeds in that group. Most State seed laws in effect today use the latter method.

A classification of noxious-weed seeds into 2 categories, "primary noxious-weed seeds" and "secondary noxious-weed seeds," is made by California, Iowa, and Utah. California lists 19 species in the former group and 24 in the latter, Iowa includes 9 in each group, and Utah lists 12 in the former and 11 in the latter. A number of other States name a few noxious-weed seeds as a prohibited list which in another way accomplishes much the same purpose.

The classification into "primary" and "secondary" groups presents many advantages because of the wide variations in destructiveness and difficulty of control of noxious weeds and the greater simplification of handling control measures.

The adoption of this classification as proposed in the Suggested Uniform State Seed Law would go far to minimize the trade-barrier effect of noxious-weed seeds. These 2 categories are defined in that law as follows:

(1) "Primary noxious-weed seeds" are the seeds of perennial weeds such as not only reproduce by seed, but also spread by underground roots or stems, and which, when established, are highly destructive and difficult to control in this State by ordinary good cultural practice.

"Primary noxious-weed seeds" in this State are the seeds of _____.

(2) "Secondary noxious-weed seeds" are the seeds of such weeds as are very objectionable in fields, lawns, or gardens of this State, but can be controlled by good cultural practice.

"Secondary noxious-weed seeds" in this State are the seeds of _____."

In order to be of service to the States in the designation of noxious-weed seeds and to prevent obstruction of enforcement agencies with unduly long lists of noxious-weed seeds, the Bureau of Plant Industry of the United States Department of Agriculture has prepared charts and maps as guides that are available for distribution and use in connection with the Suggested Uniform State Seed Law.

Labeling Provisions

There are two methods used to provide the seed buyer with a description of seeds offered or exposed for sale: These are labeling and advertising. Practically all State seed laws provide for the type of labeling used, the information that should appear on the label, and the restrictions with reference to such information. Almost no State laws make any effort to control advertising. Because labeling is so generally covered in State seed laws there has developed a labeling procedure which is more or less uniform. The differences in labeling arise from variations in the detailed procedure followed. This lack of uniformity in the details of labeling, however, brings about many trade barriers. In fact, herein lie some of the most apparent trade-barrier features of State seed laws.

There are usually nine items considered in the labeling of agricultural seeds. They are (1) name of kind or kind and variety or type, (2) lot number, (3) origin, (4) weed-seed content, (5) kinds of noxious-weed seeds present, (6) content of other agricultural seeds, (7) inert matter, (8) germination and hard-seed content, and (9) name and address of vendor. The provisions in State laws with respect to these features vary considerably. Not all the nine items are included in all State seed laws. There are a few others which are occasionally included, such as percentage of purity and year grown.

There are possibilities of trade-barrier influence in all these features of labeling. Some, however, have greater trade-barrier effects than others. Among those most likely to operate as trade barriers are (1) name of variety or type, (2) origin, and (3) noxious-weed seed content. There is another which often operates indirectly as a trade barrier because of the lack of uniformity in its application or interpretation. This relates to the statement of germination and hard-seed content required in labeling. The lack of uniformity in laboratory methods and procedure and in the interpretation of results of tests in some State laboratories has created a feeling of uncertainty even though the wording of seed laws of those States may be similar or identical with those of other States where such a situation does not exist. Consideration will be given here only to the three features which seem to be the most likely to include definite trade-barrier elements and also the provision "year grown" which is not extensively used in seed laws but which like "origin" is nonenforcible without adequate regulation and supervision.

Kind and variety or type.--The necessity of stating the kind of seed is so obvious that it presents no difficulty, but the statement of variety or type, particularly relating to those seeds that are indistinguishable as to variety or type, presents many problems. Certain kinds of seeds are handled almost altogether by the name of the kind and usually for those kinds very few varieties are recognized. This practice is followed with such seeds as timothy, alfalfa, red clover, and other grasses and small-seeded legumes. Certain States provide for indicating the variety as well as the kind in labeling all agricultural seeds. It is impossible in certain cases to comply with this requirement unless a broad definition is given to the term "variety."

The requirement to name the variety is intended to encourage the marketing of all seeds as far as possible by variety instead of simply by kind. To this extent this provision is commendable and the practice should be encouraged, but it would be far better to set up a provision to accomplish this end instead of setting up one that appears impracticable in that it requires the name of a variety, regardless of whether this can or cannot be given. It is difficult to measure the trade-barrier effect of this feature of State seed laws. The variations in this regard are important, and it naturally would be assumed that the difficulty of complying with certain State laws might have a definite trade-barrier influence.

Origin.--About half the States require a statement of origin on all agricultural seeds, regardless of the value or need of such a statement. In form, this requirement of State seed laws is probably rather generally carried out, but the indistinguishability of most seeds as to origin makes this provision difficult of enforcement. Therefore, the statement that appears on the label as to

origin for those agricultural seeds that have to move over great distances and pass through many hands is not usually a reliable statement of origin unless definite machinery or technique properly supervised is set up to assure such reliability.

Just such machinery is provided for alfalfa seed and red clover seed by the Seed Verification Service of the United States Department of Agriculture. The State certification services automatically provide verification of origin for the seeds certified by them as to variety. The Federal Seed Act gives a much needed protection by requiring a statement of origin on the label for alfalfa seed, red clover seed, and open-pollinated seed corn and for the inspection of the records pertaining thereto.

Where adequate machinery is provided, statutory provisions requiring a statement of origin and of variety or type can be easily complied with and readily enforced. Where no effective means of verifying the origin or the variety of indistinguishable seeds have been provided by Federal or State Governments a provision requiring a statement of origin becomes a basis for misrepresentation without causing apprehension on the part of the buyer or affording grounds for prosecution by the enforcement officer. With seeds indistinguishable as to origin or variety it is virtually impossible as a practical matter for seedsmen to verify these things for themselves. Likewise State enforcement agencies can only see to it that the label includes a statement of variety and origin because they have no readily applicable method of checking the accuracy of the statement. The statement of origin on a label should not be required unless it has a definite purpose in indicating the actual or relative value of the seed sown. In all instances where used there is an implication of superior or inferior value when ordinarily such is not the fact. It would be likely to act as an unwarranted barrier to interstate commerce because of the often-accepted, much-abused statement that "home-grown seeds are best."

Year grown.-The requirement of indicating on the label the year the seed was grown is subject to much the same criticism as the universal requirement of a statement of origin and would to the same extent constitute a trade barrier. In most if not all cases it would be impossible to determine from examination of the seed the year in which it was grown. If an accurate statement were to be made, complete records extending back to the producer would be needed which would cost more than the information would be worth. The same type of information could be obtained from the statement of germination test, which is required for all seed offered for sale. Also, there would be the same temptation to give the assumed year of production when there were no records to support it.

Noxious-weed seed labeling.-There is considerable uniformity in State seed laws in regard to the method of labeling as applied to the presence of noxious-weed seeds. Half of the State laws follow,

with occasional slight modification, the method proposed in the Uniform State Seed Law of 1917, which method in principle is also followed in the new suggested uniform law. This method provides for grouping of agricultural seeds into three or four groups, according to size and weight of seed, to form a basis for indicating the presence of noxious-weed seeds. Size and weight also are related to the quantity of seed to be examined for the presence of noxious-weed seeds, their number per unit of weight, and the rate of their distribution as indicated by the rate of sowing per acre. Ten State laws require only the name of the noxious-weed seeds present to appear on the label whereas 33 require both the name and the number per unit of quantity of agricultural seed.

Even though there is considerable uniformity in principle in the use of the above method, its application to so wide a varying group of noxious-weed seeds and with so many minor variations brings about much confusion in the labeling as to noxious-weed seeds.

In the Suggested Uniform State Seed Law the following is required in labeling to indicate the presence and rate of occurrence of noxious-weed seeds:

> "The name and approximate number of each kind of secondary noxious-weed seed, per ounce in groups (A) and (B) and per pound in groups (C) and (D), when present singly or collectively in excess of -
>
> "(A) One seed or bulblet in each 5 grams of Agrostis spp., Poa spp., Rhodes grass, Bermuda grass, timothy, orchard grass, fescues (except meadow fescue), alsike and white clover, reed canary grass, Dallis grass, and other agricultural seeds of similar size and weight, or mixtures within this group;
>
> "(B) One seed or bulblet in each 10 grams of ryegrass, meadow fescue, foxtail millet, alfalfa, red clover, sweetclover, lespedezas, smooth brome, crimson clover, Brassica spp., flax, Agropyron spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (A);
>
> "(C) One seed or bulblet in each 25 grams of proso, Sudan grass and other agricultural seeds of similar size and weight, or mixtures not specified in (A), (B), or (D);
>
> "(D) One seed or bulblet in each 100 grams of wheat, oats, rye, barley, buckwheat, sorghums (except Sudan grass), vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.

"All determinations of noxious-weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this act."

Though similar in principle the above differs in several ways from the proposal in the Uniform State Seed Law of 1917; the new suggested law uses four groups of agricultural seeds instead of three, as the seeds listed under (A) and (B) in the new suggested law with minor exceptions were listed in one group in the uniform laws of 1917; also in the old uniform law the rate of occurrence was required to be given as "per ounce" in all cases, special classifications were made for both regular and special mixtures, and no tolerances were provided.

Labeling vegetable seeds.-Over two-thirds of all State seed laws include either all or certain kinds of vegetable seeds. Considerable lack of uniformity exists in these laws in the labeling requirements for vegetable seeds. In some cases they are grouped wholly or in part with agricultural seeds. When this is done they are subject to the same requirements as agricultural seed which include a number of features not practically applicable to vegetable seed, especially to small packets of vegetable seed.

This situation prevails in the seed laws of Alabama, Arizona, Colorado, Idaho, Indiana, Kentucky, Louisiana, Nevada, New Hampshire, Oklahoma, Texas, and Wisconsin, sometimes applying to a minimum limit of weight of package or quantity of seed varying from 1 to 10 pounds, and sometimes with no limit and applicable to small packets or any quantity.

The requirements for the labeling of agricultural seeds in the Federal Seed Act and the Suggested Uniform State Seed Law are covered in nine items, whereas the requirements for the labeling of vegetable seeds are covered in two or three items. Such requirements as lot number, origin, percentage of weed seeds, other crop seeds and inert matter and kinds of noxious-weed seeds ordinarily are not applicable to vegetable seeds. Also, in those laws the statement of germination and hard-seed content is required in the labeling of vegetable seeds only when the germination test is below a certain standard.

Because of the highly centralized and specialized character of the vegetable seed business it is especially important to have as great uniformity as possible in the label requirements of such seed, and there appears to be no particular reason inherent in the vegetable seed industry or in seed legislation why this cannot be done.

Noxious-Weed-Seed Prohibitions

The first seed legislation of which we have record was a noxious-weed seed law known as the Canada thistle seed law enacted

by Connecticut in 1821. Similar laws were enacted by Ohio in 1844, Michigan in 1871, and Missouri in 1877. This was the only type of seed legislation up to 1889 and 1891 when Florida and North Carolina, respectively, passed vegetable-seed labeling laws. Nebraska passed a Canada thistle seed law and a Russian thistle seed law in 1895. Maine in 1897 was the first State to pass an agricultural seed law. It will be seen, therefore, that for more than three-quarters of a century after the first seed law was enacted the sole feature of seed legislation, except for two vegetable seed laws of limited application, was the control of noxious weeds.

Weeds in general and noxious weeds in particular have become such a menace to agriculture and to the public interest in general that no effort should be spared looking toward their effective control. This feature of seed legislation, therefore, should take precedence over the feature to eliminate interstate-trade barriers, which, however, does not imply that the latter should be lost sight of. The provisions in State seed laws covering noxious-weed seeds do not now present a uniform approach to the control of the distribution of noxious-weed seeds; therefore they should be given serious consideration to see how best to protect the public interest and at the same time to lessen as far as possible any difficulties that may arise in the creation of trade barriers.

Inasmuch as the Federal Seed Act accepts the determination of the States of the kinds of designations to be used and the method of handling noxious-weed seeds, the part that these play in the Suggested Uniform State Seed Law and as trade barriers in generaly become very important. Uniformity in noxious-weed seed legislation and the elimination of trade barriers in seed legislation may be expected, therefore, in the degree to which the States conform to the Suggested Uniform State Seed Law instead of to the Federal Seed Act. This uniformity should extend to all features of the law in which noxious-weed seeds play a part, namely, definitions, labeling, prohibitions, and tolerances. All these have been given full and careful consideration in the suggested uniform law. Tolerances should be emphasized in particular because without reasonable tolerances any law with respect to labeling and prohibitions would be unenforcible and therefore inoperative.

Whether classified as "primary noxious-weed seeds" or only listed apart from other noxious-weed seeds, a number of States have set up definite prohibitions, usually without tolerances, against such a specified group of weed seeds. The following are examples of some of the provisions of these State seed laws which either prohibit certain noxious-weed seeds without tolerances or place certain maximum limits on the rate of occurrence of such noxious-weed seeds:

California.-"Crop seed containing any seed of 'Primary noxious Weeds' or any other weed not known to occur or generally distributed in California which may be declared injurious, shall be held

in quarantine wherever found and required to be cleaned, processed or milled under the supervision of the Commissioner in a manner to completely remove or render incapable of reproduction all such weed seed contained therein, or required to be shipped out of the State, returned to point of origin or destroyed at the option and expense of the owner (by authority Section 125)."

"Crop seed will be considered commercially clean if entirely free from seeds of 'Primary noxious weeds' and containing not in excess of two (2) seeds per quantity of crop seed examined (table given) of any 'Secondary noxious weed' or any weed enumerated in the 'Supplementary list.'"

"Crop seed containing seeds of any weed enumerated in the secondary noxious list and the 'Supplementary list' in an amount in excess of the maximum quantity designated to be within the definition of 'Commercially clean seed' shall be prohibited wherever found. Such infested crop seed is further subject to rejection when destined to certain counties or portions thereof regardless of frequency of occurrence. However, 'Commercially clean seed' is acceptable in the case of certain weeds of known occurrence in the county where such seed is to be planted." (Agr. Code State of Calif., Cir. State Dept. of Agr. 1939)

Idaho.-"No person shall sell, or expose for sale within the State for seeding purposes in this State, any agricultural seeds defined in Section 22-501, containing a greater amount or proportion than one seed of any or all of said annual noxious-weed seeds to 10,000 seeds of the variety of agricultural seed offered or exposed for sale, nor shall any person sell or expose for sale within the State for seeding purposes in this State, any agricultural seeds defined in section 1 of this act containing any seeds of any or all perennial weeds defined in Section 22-504, Idaho Code Annotated." (Sec. 22-504 Agr. Exp. Sta. Cir., April 1939)

Illinois.-"Whoever shall bring into this State, whether in the packing of goods, or in grain or grass seed, or otherwise, any seed of Canada thistle (Cirsium arvense), perennial sow thistle (Sonchus arvensis), European bindweed (Convolvulus arvensis), Russian knapweed (Centaurea repens), or leafy spurge (Tithymalus Esula) and permit the same to be disseminated so as to vegetate on any land in this State, or possess any such seeds with intent that they be so disseminated, and whoever shall permit any Canada thistle or any of the other weeds named in this section to mature its seed on any land owned or occupied by him, so that the same is or may be disseminated, shall be fined not less than $10.00 nor more than $100.00; the fine to be paid to the treasurer of the township in which the offense is committed." (Crim. Code, Div. 1, Sec. 40 as amended 1939)

Iowa.-"No person shall sell, offer or expose for sale, or distribute, for seeding purposes any agricultural seed if the seed of any of the primary noxious weeds are present singly or collectively in excess of 1 in 5, 1 in 25, or 1 in 100 grams depending upon the group in which the agricultural seed is listed." (Sec. 3137, L. 1935)

Virginia.-"Agricultural seeds, as defined in section one of this act, or mixture of same, shall be considered unfit for seeding purposes within the meaning of this act, and are hereby prohibited from being sold, offered or exposed for sale or distribution within this State, or transported from one point within this State to another point within this State for seeding purposes:

"(A) When such agricultural seeds or mixtures contain more than three (3%) per centum by weight of the seeds of weeds.

"(B) When any kind of agricultural seeds or mixtures of same contain twelve or more seeds of dodder (Cuscuta spp.) seeds to one ounce of such seed or mixtures.

"(C) When any kind of agricultural seeds or mixtures of same contain one or more Johnson grass (Sorghum halapense) seeds to two (2) ounces of such seeds or mixtures." (Sec. 7, Ch. 346, L. 1938)

Washington.-"No person shall sell, offer or expose for sale or distribution for the purpose of seeding, any agricultural seeds as herein defined, which shall contain more than (5) to the pound of the following weed seeds:

Quack grass (Agropyron repens)
Dodder (Cuscuta species)
Fanweed (Thlaspi arvense)
Perennial Sow Thistle (Sonchus arvensis)
Poverty Weed (Iva axillaris)

or shall contain any seeds of bindweed or wild morning glory (Convolvulus species), Canada thistle (Cirsium arvense), or corn cockle (Agrostemma githago)." (Sec. 2818, L. as amended 1935)

Wyoming.-"No person, firm or corporation shall sell, offer or expose for sale or distribution in the State any agricultural or garden seeds, excepting only garden seeds in a packet or package of one pound or less, without having attached to each and every container a certificate of the State Chemist of Wyoming, certifying that such seeds contain none of the seeds of such noxious, perennial weeds as shall be listed and prescribed by the Commissioner of Agriculture as dangerous to the welfare of the agriculture of the State, and not more than one-half of one percent of the seeds of such weeds as shall be listed and prescribed by the Commissioner of Agriculture as being common to the State and of no grave danger to the agriculture of the State." (Sec. 3, Ch. 127, L. 1937)

Provisions Covering Certain Seeds

Lawn Seed.-Lawn seed or lawn-grass seed is usually sold in the form of mixtures of grasses or of grasses with white clover. Because most of such seeds are very small and difficult for the laymen to identify in mixtures and are purchased in packages by persons who are often unfamiliar with the kinds of grass seeds that make up the mixtures, certain reprehensible practices have sprung up in connection with the lawn-seed business. Among these are (1) the use in lawn mixtures of certain kinds of seed not particularly suitable for lawns, (this practice being followed because of the lower price for such seed than for the kinds best adapted for lawn use), (2) the use of low-grade chaffy seed often containing either a high total content of weed seed, noxious-weed seeds, or inert matter, and (3) the use of high-sounding names for such mixtures to cover up the real character and quality of the seed.

The regular labeling and other provisions of State seed laws have given some degree of protection to the purchaser of lawn seed but both State enforcement officers and the more progressive element of the lawn-seed industry recognize the need for special legislation along with education to cope with this problem.

Certain States, notably Connecticut and Michigan, have established standards for lawn seed and have in other ways endeavored to correct the situation in their States through special legislation or special regulations under existing laws. The setting up of lawn seed standards is a commendable approach to better merchandising of lawn seed. If this could be handled on a nationally uniform basis and if practically identical standards, requiring similar constituent grasses, could be formulated for geographic areas with similar conditions, such standards would go a long ways toward giving a basis for better quality in lawn seed and better merchandising practices in the same way that they have done with other commodities. With such standards for only a few States, and those written in different form and perhaps applicable to only those dealers packaging lawn seed in a particular State, it is obvious that we are far from uniformity in the regulation of commerce in lawn seed and that such regulations may create some serious trade-barrier situations.

The following extracts from the seed laws and regulations of Connecticut and Michigan will show the efforts of those States to regulate commerce in lawn seed and the potential trade-barrier influence of such laws and regulations on lawn-seed trade with other States:

Connecticut.-The Commissioner of Agriculture is given authority to conduct investigations and establish standards for farm and horticultural crops. (Sec. 2060, Ch. 107, L. 1930). Under this authority lawn-grass-seed grades were established effective Feb. 1, 1938. (Bul. 52, Dept. of Agr., Feb. 1938)

"Any person, firm or farmers' cooperative association packaging seed within the jurisdiction of the Connecticut Commissioner of Agriculture may grade their lawn grass mixtures under the voluntary grades for such seed provided they shall submit their formulas in writing annually to the Commissioner of Agriculture for approval." (Suppl. Expl.)

No provision appears to have been made which would permit the use of the Connecticut grades for lawn seed by any person or concern packaging such seed outside the State of Connecticut.

Michigan.-"By virtue of the provisions of Act No. 91, of the Public Acts of 1915, as amended, Act No. 13 Public Act 1921, as amended, and Act 314 Public Acts of 1923, as amended, as well as upon other laws, governing the activities of the State Department of Agriculture of the State of Michigan. I do hereby declare the establishment of the following compulsory grades for Lawn Seed Mixtures." (Order of Com. of Agr., Dec. 12, 1939) (Descriptions of "Lawn Seed Michigan Grade A" and "Lawn Seed Michigan Grade "B" follow.)

"In addition to the regular tagging requirements for mixed lawn seed specified in Section 5 (h) of Act 314 Public Acts of 1923, every lot, package, parcel, bag, carton or bulk lot of mixed lawn seed meeting the requirements of Grade A shall be labeled 'Lawn Seed Michigan Grade A' and all lots meeting the requirements of Grade B shall be labeled 'Lawn Seed Michigan Grade B.'

"The designation of Grades A and B when placed on containers shall appear along with the regular analysis and both should be blocked off or set apart so that it will in no way be confused with other descriptive matter on the container. The label or tag must be clearly legible and on the outside of the container and in a conspicuous place, preferably in black and white or contrasting colors so it may be readily seen. Where only one label is used on a carton it must not be on the bottom.

"All mixed grass seed not meeting the requirements of 'Lawn Seed Michigan Grade A and B' must be designated as 'Grass Seed Grade D' and must meet the requirements as follows:-" (Reg. of Com. of Agr. Dec. 12, 1939) (Description of "Grass Seed Grade D" follows.)

Hybrid Seed Corn.-The production and marketing of hybrid seed corn as a commercial industry has developed rapidly during the last few years. It has brought into the field seed business a new feature quite different from the ordinary. Some States have enacted laws to govern it, while others have promulgated regulations under laws that were in effect, and still others presumably have waited for a greater stabilization of the industry before taking any regulatory action in the matter.

The origin or place where grown of hybrid seed corn is not required in labeling under the Federal Seed Act or in the Suggested Uniform State Seed Law. As origin is not considered as important a factor with hybrid corn as with open-pollinated or regular seed corn, it is probable that hybrid seed corn will enter interstate commerce more freely than the open-pollinated corn, in which case, unless there is active cooperation among the interested States, there is more likelihood that interstate trade barriers will be created by legislation pertaining to hybrid seed corn than by that for open-pollinated corn.

Following are some of the provisions in present State laws or regulations pertaining to hybrid corn. It will be noted that they lack uniformity and that some of them set up provisions which are related to the problem of interstate barriers.

Arkansas.-"Sale of hybrid corn for planting purposes is prohibited unless breeder thereof has obtained a permit for that purpose from the State Plant Board. Permits will be granted to breeders who have been officially recognized as such in their respective States. To each bag or container there must be attached one of the breeder's permit tags. Special permits will be issued for shipment to persons who wish to plant trial lots." (Rule 68, par. 3, Reg. Rev. Aug. 22, 1939)

Illinois.-Labeling required "In the case of seed corn, including hybrid corn, the name of county and state where grown; provided, however, that in case such facts are not known, the label or tag shall so state." (Sec. 2 (g), L. 1931, as amended 1937.)

Michigan.-"The vendor of the seed (hybrid seed corn) shall be responsible for there being on file with the commissioner of agriculture, a statement giving the pedigree of the hybrid and the name of the breeder who developed each inbred line involved in the cross." (Sec. 13, Act No. 314, 1923)

Minnesota.-"In this act unless otherwise specified, 'Hybrid seed corn' shall be seed of the first generation of a cross involving two, three, or four different inbred lines of corn or their combinations, and shall be restricted to seed of single crosses, three-way crosses and double crosses." (Sec. 1, Ch. 106, L. 1939)

"It shall be unlawful for any person to sell, offer or expose for sale within the state of Minnesota any seed corn as 'hybrid' unless the said seed answers to and complies with the definition of hybrid seed corn contained in Section 1 hereof; and unless there is attached to each sack, bag, or other container of such corn a label specifying that the corn contained therein is the product of either a single cross, a three-way cross or a double cross, as the case may be; and said label shall state the year, county, and state in which said hybrid corn was raised and state approximately the number of days of growing season required from emergence of the corn plant above the

ground to maturity in the section in Minnesota where said corn is intended to be grown, as hereinafter provided." (Sec. 2)

Ohio.-"The vendor of the seed shall be responsible for registering annually with the Director of Agriculture, a true statement giving the pedigree of the hybrid and the name of the person, firm or corporation who developed each inbred line involved in the cross." (Reg. 2 to Sec. 5805-9)

South Dakota.-"Any person or firm desiring to offer for sale hybrid seed corn under the provisions of this chapter, is required to register with the South Dakota State College, Agronomy Department, and to furnish the pedigree of such hybrid seed corn, and also to furnish a sample not exceeding an amount of one quart, of such hybrid seed corn for the purpose of testing by said Agronomy Department when such sample is called for by said Department." (Sec. 4.0802, L. 1939)

Tennessee.-"No person, firm, corporation or association shall sell, offer, expose for sale or distribute within the State of Tennessee for seeding purposes within this state, any seed of field, sweet or popcorn labeled or represented to be 'hybrid corn' unless such seeds represent the first generation of a cross between strains of different inbred parentages and involving two or more lines of corn or their combination. Requiring name of originator (s) and pedigree including name of variety or parentage of said hybrid corn and to be registered with the Commissioner of Agriculture." (Sec. 10, L. 1939)

Alfalfa Seed.-Because of the indistinguishability of alfalfa seed as to variety and origin the marketing of such seed has presented many problems. Variety and origin of the seed are important factors in determining the hardiness of the stand produced. For this reason, misrepresentation of variety or origin is a serious matter to buyers.

The United States Department of Agriculture inaugurated the Seed Verification Service in 1927 and has continued that service to assist producers and dealers in verifying the origin of alfalfa and red clover seed. Certain States have adopted regulations to govern the marketing of alfalfa seed under such variety names as Grimm, Ladak, and Cossack. The two States which have led in this matter are Minnesota and Wisconsin, and their requirements as stated below are similar. There is no question of trade barriers in connection with these regulations, because labeling to show variety and origin clearly has a legitimate purpose, and adequate machinery for certifying or verifying variety and origin has been established.

Minnesota.-"The name Grimm when used to designate the variety of alfalfa and referring to the seed of alfalfa, and when appearing on any and all labels, tags, and appellations of any sort attached to the containers of said seed and when used singly or in combination with other words, shall mean and refer only to alfalfa seed, which may be traced through definite lineage to known Grimm alfalfa fields in Carver County, Minnesota."

"On and after September first (1st), 1930 no alfalfa seed shall be sold, offered, or exposed for sale in the State of Minnesota, as Grimm alfalfa in amounts of thirty (30) pounds or more except in sealed sacks, attached to which shall be the tags or labels of the seed certification agency of the State in which the seed was grown, and signed by an accredited official of the State Seed Growers' Association or an accredited official of the State Experiment Station or Agricultural College of said state." (Reg. 1 under sec. 2 (a), and 3 (a), Ch. 387, L. 1927)

Wisconsin.-No alfalfa seed may be sold in Wisconsin as Grimm, Cossack, or Ladak alfalfa in quantities of 30 pounds or more unless the containers are sealed and tagged by an accredited State official of the State where grown.

Other Seeds.-Arkansas and Oklahoma have regulations regarding the shipment of certain seeds into the State among which are cotton-seed, seed potatoes, and vetch seed. Certificates or permits are required covering freedom from disease or insect pests prior to entering the State. Provision is made for approved methods of seed preparation upon which such certificates are based.

These provisions raise the whole problem of quarantine measures in relation to trade barriers. In general, it can be said that State quarantine restrictions directed against a given disease or pest are justified (1) if the State is free of the disease or pest or is engaged in an active campaign to eradicate it, (2) if the disease or pest would clearly do important damage economically to the crops of the State, (3) if the control measures enforced are effective, and (4) if these measures place the lightest burden on the flow of trade compatible with adequate control. Reduction, however, to a minimum of the trade-barrier aspects of quarantines also requires cooperation among the States toward the goals of uniformity and a unified system of inspection that will eliminate unnecessary duplicating inspections.

Revenue-Producing Provisions

The methods used by certain States to obtain revenue for the administration of their State seed law vary greatly and create some of the most outstanding trade-barrier situations. In most cases these measures do not appear to be discriminatory between dealers within the State and those outside of the State. In effect, however, they operate as trade barriers for the following reasons: (1) Although the fee charged may not be a relatively large item for the dealer in the State whose major business is within such State, it may be a much greater item relatively to the dealer operating from without the State who has a smaller amount of business therein and perhaps who has to pay similar fees in a number of neighboring States, (2) also, the inconvenience to an outside dealer, in meeting certain licensing or

permit requirements because of his greater distance from the headquarters of the enforcement agency and poorer facilities for making official contacts, may keep him from doing business in such State.

Among the revenue-producing features of State laws cited below it will be noted that in four States dealers and shippers of seed are required to use labels or tags that are sold to them by the State for use on bags or other parcels of seed. This is a combined revenue and protection feature but is primarily for revenue. In one of these States, before the tags will be sold to a shipper or dealer for attachment to a particular lot of seed, he must file with the enforcement officer a certified copy of the required labeling information to be used on the tags for such lot of seed.

In two States each dealer who sells seed in the State, whether located within or outside the State, must pay a registration fee of $5 for each brand or kind of seed or mixture sold or offered for sale by such dealer in the State. Because of the large registration fees in both these States they probably create serious trade-barrier situations. In 10 other States various forms of permits or licenses are required of seed dealers for which a fee of from 25 cents to $25 is charged.

Licenses and Permits.

Arkansas.-"To each bag of field seed which is sold or offered for sale for planting purposes, or which is transported into or within the State for planting purposes there must be attached a permit tag issued by the State Plant Board." (Rule 67, Reg. Rev. Aug. 22, 1939)

California.-"Under Sections 122 and 123 (as amended), effective on and after September 19, 1939, all shipments of field, vegetable and flower seeds moving from one county to another within this State, except shipments of less than five pounds or comprised of packages of less than three pounds of each kind of such seed, shall have affixed thereto by the person making sale, delivery or transportation, a shipping permit issued by the Commissioner having jurisdiction in the county of origin, warning that inspection at destination is required." (Agr. Code State of Cal., Cir. State Dept. of Agr., 1939)

Mississippi.-"It shall be unlawful for any seedsman to sell, distribute, offer or expose for sale or distribution in this State, any agricultural seed or mixture thereof or vegetable seed as defined in Section 1 of this act, without first securing a permit approved by the Commissioner of Agriculture. Such permit shall be renewed annually, and may be revoked for cause by the Commissioner of Agriculture. The said Commissioner of Agriculture shall charge a registration fee of one dollar ($1.00) annually for each seedsman so registering, and twenty-five cents (25¢) annually for each agent, dealer or representative of such seedsman doing business in Mississippi." (Sec. 12, Ch. 219, L. 1936)

Missouri.-"It shall be unlawful for any seedsman to sell, distribute, offer or expose for sale or distribution in this State, any agricultural seed or mixture thereof, or vegetable seed as defined in this Act, without first securing a permit approved by the Department of Agriculture, which permit shall be issued annually by the Department of Agriculture upon the payment of an annual fee of one dollar. Such permit shall expire December 31st of each year." (Sec. 12603, L. 1937)

North Carolina.-As a revenue producing measure to support the seed control work the State seed law provides for registering the name of the person or firm and for the payment of license fees ($25 for wholesaler and $10 for retailer) by those "selling or offering for sale in or export from this State any seed as mentioned in this Act." Also a one dollar revenue stamp is required to be attached to each box or container of packet seeds and that packets for seeds shall be purchased from the Department and expire with the calendar year in which issued. Any retail dealer of bulk seeds whose business does not aggregate more than one hundred dollars each year shall pay a one-dollar license fee but if it is more than that he shall pay the fee of $10 required of all regular retail seed dealers. (Sec. 17, Ch. 194, L. 1929 as amended 1935 and 1937)

Ohio.-Before any person shall sell, offer or expose for sale any agricultural or vegetable seeds (with exemption) he shall pay an annual license fee to the director of agriculture for each separate place of business. Such fees range from 25 cents to $5. Provision is also made for attaching a 25-cent inspection-tax stamp to each commission or consignment box of seeds. Each truck is considered a separate place of business. (Sec. 5805-13, L. 1937)

Oregon.-Any person selling, offering, or exposing seeds for sale is required to obtain license and pay a fee of $2.50 per year. (Sec. 20, Ch. 426, L. 1937)

South Carolina.-Each person selling or offering for sale any seed covered by Act (with farmer exemption) shall register with the State Department of Agriculture, Commerce & Industries, and shall pay annually a license tax of from $1 to $25 depending on amount of business. (Sec. 17, L. 1940)

Texas.-"All persons, firms, or corporations seeking to ship cotton, alfalfa, corn or sorghum planting seed into Texas shall secure a permit from the Commissioner of Agriculture prior to shipping any cotton, alfalfa, corn or sorghum planting seed into Texas. Said permit shall be valid for one year but may be cancelled prior to date of expiration for violation of any of the provisions of this Act or the rules and regulations promulgated thereunder." (Sec. 4 (d), Ch. 93 as amended 1939)

No cotton, alfalfa, corn or sorghum seed for planting purposes shall be shipped into the State of Texas unless said seed

meets the requirements as set forth by the Commissioner of Agriculture; and each lot of seed of 100 pounds or less, whether sacked or in bulk, approved for shipment into Texas, shall bear a special tag issued by the Commissioner of Agriculture. (Sec. 4 (b))

Washington.-"It shall be unlawful for any person, firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing into this State for sale or distribution any agricultural or vegetable seeds, without first having obtained from the director of agriculture and having in force a license so to do." (Sec. 2827, L. as amended 1935)

Registration of Seed Required.

Vermont.-On January 1 of each year/each vendor must pay $5 license fee for each brand of agricultural seed or mixture of agricultural seeds. (L. 1933).

West Virginia.-"Each and every kind of seed sold, offered or exposed for sale or distribution, or stored for distribution, within the State of West Virginia must be registered with the West Virginia Department of Agriculture before the same is offered or exposed for sale." (Rule 7, under Sec. 12, Art. 16, Ch. 19, 1938) A fee of $5 is required for each kind of seed to be registered. (Rule 15)

Labels or Tags Sold or Taxed.

Arkansas.-"Permit tags, including the special permit tags required by Paragraph 3, will be issued when a satisfactory application, showing that the applicant is in position to comply with the Board's regulations, has been made on a form furnished for that purpose by the Board, on payment of an annual application fee of $1.00, plus 2 cents for each tag. Provided that if less than twenty tags are issued the $1.00 application fee will not be required, and Provided also that the $1.00 fee will not be required of growers of Arkansas Certified seeds." (Rule 67, par. 4, Reg. Rev. Aug. 22, 1939)

Indiana.-"For the purpose of defraying the cost of inspection and analysis of agricultural seeds, the tags or labels specified in sections 3 and 4 of this act must be purchased from the seed commissioner who shall receive 8 cents each for 100 pound tags or labels, and 2 cents each for 25 pound tags or labels for alfalfa, sweet clover and all grass and clover seeds or mixtures of any of these, and 4 cents each for 100 pound tags or labels, 3 cents each for 75 pound tags or labels, 2 cents each for 50 pound tags or labels, 1 cent each for 25 pound tags or labels, for all other agricultural seeds included in this act." (Section 12, H. 99, approved Feb. 24, 1921)

Kentucky.-Inspection and analysis tags required to be attached to agricultural seeds must be purchased at a cost of 8c per 100 pounds of seed of grasses and clovers and 4¢ per 100 pounds for all other agricultural seeds. (Regulatory Series No. 4, Rev. 1936)

Texas.-"The vendor, before any agricultural seed or mixture of such seed are offered or exposed for sale, shall pay to the Commissioner of Agriculture, an inspection tax of not to exceed one cent for each hundred pounds or fraction thereof sold, or offered for sale, in this State and shall affix to each lot shipped in bulk, and to each bag, barrel or other package of such seed, a tag to be furnished by said Commissioner, stating that all charges specified in this article have been paid." (Sec. 6, Ch. 304, as amended.)

Miscellaneous Provisions

A number of State seed laws include requirements of a special or unusual character differing from those of most States. Such requirements are likely to become trade barriers in their effect even though they may be effective in giving the consumer the protection contemplated or desired. Some of these special requirements are cited or quoted below.

Notification of Shipment.

Alabama.-"It shall be the duty of any person or persons transporting seed or seeds into or within the State of Alabama to notify the Commissioner of Agriculture in writing or otherwise, on the day of shipment, or within twenty-four hours thereafter, of every such shipment. Such notice shall state the name, amount of each kind of seed shipped and to whom shipped and addressed." (Sec. 116, Art. 15, L. 1927 as amended 1935)

Use of Disclaimer not Permitted.

Kansas.-"The so-called disclaimer clause as now commonly printed is not permitted on a seed label in Kansas. Information given on a label is supposed to be a true statement, equivalent to a guarantee by the person or firm whose name appears on the label. The vendor cannot guarantee a crop, but he is responsible for the accuracy of the information given on the label." (Sec. 2-1427, Reg. XII, L. 1935)

Testing and Labeling Seed Shipped into State.

Colorado.-"No field seed in quantities of five pounds or more shall be shipped or brought into Colorado from outside the State by any person to be used by himself for seeding purposes, unless such seeds shall have been tested and the containers of such seed shall have affixed thereto, in a conspicuous place on the exterior of the container of such field seed, a plainly written tag or label, giving the information and test required in Section 2 of the act, and bear an official certificate of inspection for purity and viability issued by the State from which shipment is made, or by the Colorado Agricultural Experiment Station, or by United States officers or boards. In case such importer shall receive such seed, and it has

not been tested or tagged or labelled as required by this act, the importer of such seed shall immediately notify the director of the Colorado Agricultural Experiment Station at Fort Collins, and send the director of such station a fair and proper sample of the imported seed for inspection, and shall hold such seed until the test required by this act shall have been made." (Sec. 4, L. 1917 as amended 1921, 1925 and 1929.)

Germination Guarantee and Adulterated Seed.

Maine.-Every lot of agricultural seed must be labeled with a "guarantee of the germinating power of the seed and the date of the test for germination." (Sec. 3, L. 1919)

Seed shall be deemed adulterated, "If it, upon test of germination made within six months of the date of test in statement under the provisions of section three herein above, does not show the same germinating power given in said statement prescribed by the provisions of said section three. Provided said seed has been constantly kept under conditions not injurious to its germinating qualities, and that a margin of tolerance of five per cent shall be allowed." (Sec. 12)

State Cooperation

The adoption, as far as possible, of the features of the Suggested Uniform State Seed Law will bring about uniformity and eliminate interstate trade barriers to the extent that it is feasible to include those necessary or desirable features in a model State law. With some other features, however, such as those for the raising of revenue and certain special provisions of enforcement peculiar to the State, which could not be prepared to fit any large number of States, the situation may not be so simple. Some of the trade-barrier situations may be corrected through State cooperation to obtain greater uniformity. With most of them, particularly those relating to licensing and the raising of revenue by indirect methods, it appears that as long as these provisions exist there will be trade-barrier situations.